

CHAPTER 1. PURPOSE OF AND NEED FOR ACTION

Document Structure

The Forest Service has prepared this Final Environmental Impact Statement (FEIS) in compliance with the National Environmental Policy Act (NEPA) of 1969 and other relevant federal and state laws and regulations. This FEIS discloses the direct, indirect, and cumulative environmental impacts that would result from the proposed action and alternatives. The document is organized into five sections as follows:

Chapter 1. Purpose and Need for Action: The chapter includes information on the history of the project proposal, the purpose of and need for the project, and the agency's proposal for achieving that purpose and need. This section also details how the Forest Service informed the public of the proposal and how the public responded.

Chapter 2. Alternatives: This chapter provides a more detailed description of the agency's proposed action as well as alternative methods for achieving the stated needs. These alternatives were developed based on significant issues raised by the public and other agencies. Finally, this section provides a comparison of the alternatives which displays how each alternative responds to the purpose and need, addresses significant issues, and impacts the resources.

Chapter 3. Affected Environment and Environmental Consequences: This chapter describes the environments affected by the proposed action and the environmental effects of implementing the proposed action and other alternatives.

Chapter 4. Consultation and Coordination: This chapter provides a list of preparers and agencies consulted during the development of the FEIS. This chapter also includes the literature cited to support the FEIS and a glossary of the primary terminology and definitions used in the FEIS.

Appendices: The appendices provide more detailed information to support the analyses presented in the FEIS.

Additional documentation, including more detailed analyses of project area resources, may be found in the project planning record located at the Eldorado National Forest (ENF) Supervisor's office in Placerville, CA. Many of the information sources are maintained within the Forest's Geographic Information System (GIS) database. This information is the most current and complete data available. However, GIS data and product accuracy may vary. They may be developed from sources of differing accuracy, accurate only at certain scales, based on modeling or interpretation, incomplete while being created or revised, etc. Using GIS products for purposes other than those for which they were created, may yield inaccurate or misleading results. The acres of land tracked in the GIS database does vary from the congressionally designated acreages because of differences in scale, land exchanges, land acquisitions and disposal.

Background

Project Area

The project area includes all national forest system lands (NFS lands) and existing routes within the ENF, except for those NFS lands and routes included in the Rock Creek Recreational Trails Plan (ENF 1999). A map of the project area is found in the Executive Summary above.

Eldorado National Forest Travel Management Direction

Previous Efforts

The Eldorado National Forest has been evaluating and managing our existing road and trail system for decades. In May 1977, the ENF finalized its first “Off-Road & Vehicle Travel Plan” to better manage the use of off-highway vehicles (OHVs). The Plan included five zones that authorized or restricted various levels of motor vehicle use, ranging from areas where motor vehicle use was prohibited to areas where motor vehicle use was restricted to designated routes, to areas where cross-country travel by motor vehicles was allowed. The plan also called for seasonal closures when soil moisture conditions warranted. In total, the plan included 1,580 miles of National Forest system (NFS) roads; 50 miles of NFS motorized trails, 409,000 acres of open area for cross-country motor vehicle travel and 215 miles of designated all-season routes that were open when wet soil conditions resulted in seasonal closure of cross-country travel.

In 1989, the ENF completed its Land and Resource Management Plan (LRMP), which directed the ENF to restrict OHV use to designated roads and trails in roaded natural and semi-primitive areas (ENF LRMP, Management Practice – 27, p. 4-83). Forest Plan implementation was to include the development of a new Forest OHV Plan by January 1, 1990. After January 1, 1990, only those routes designated in the new Forest OHV Plan would be open for OHV use, and the 1977 Off-Road & Vehicle Travel Plan would no longer be in place (ENF LRMP ROD p. 2; ENF LRMP p. 4-83). The LRMP also allocated certain management areas for non-motorized use and other management areas with other restrictions on motorized use.

The Sierra Nevada Forest Plan Amendment (SNFPA) Final Supplemental Environmental Impact Statement (FSEIS) Record of Decision (ROD) issued in January 2004, which amended the Forest Plans for the 11 national forests in the Sierra Nevada range, provided further standards and guidelines and management intent for OHVs primarily by prohibiting motor vehicle travel off of designated roads, trails, and limited OHV use areas (SNFPA ROD, January 2004, S&G #69, p. 59).

In 1990, the ENF finalized the “OHV and Trail Management Plan.” The Plan included four zones that authorized or restricted various levels of motor vehicle use, ranging from zones where motor vehicle use was prohibited to zones where motor vehicle use was restricted to designated routes. No areas were designated as open to cross-country motor vehicle travel. Additional travel restrictions included seasonal closure when soil moisture conditions reached a point where continued wheeled vehicle use was causing excessive rutting.

2005 U.S. District Court Order: In 1995, in a decision on an administrative appeal, the Chief of the Forest Service found that the ENF failed to perform site-specific analysis in their 1990 OHV Plan and required the ENF to perform the analysis within 18 months of the 1995 appeal decision. In February 2002, the Center for Sierra Nevada Conservation et al. (plaintiffs) filed suit against the Forest Service, alleging that the Forest Service violated NEPA and the APA by failing to conduct a forest-wide environmental review for the 1990 OHV Plan. Friends of the Rubicon et al. (defendant-interveners) intervened as defendants and filed a cross complaint, alleging that the

Forest Service was unreasonably limiting OHV and other recreational uses on the Forest, and violated NEPA by failing to conduct site-specific analyses when it designated OHV trails across the entire Forest in the 1990 OHV Plan.

On February 15, 2005, Judge Lawrence K. Karlton, United States District Court for the Eastern District of California, ruled that the Forest's 1990 OHV Plan was in violation of NEPA. The judge's order highlighted that "the Forest Service tiered the 1990 OHV Plan to the ENF LRMP's EIS"; however, the "LRMP FEIS did not analyze the programmatic environmental impacts of a designated-route-only OHV trail system in the Eldorado, nor did it analyze the environmental impacts of any particular OHV routes in the Forest or of permitting travel off of designated routes." Furthermore, the judge noted that "closures of OHV use areas and trail designations were allowed forest-wide, thereby triggering the duty to conduct specific analysis." In summary, he ruled that the 1990 OHV Plan violated NEPA by tiering the Plan to the ENF's LRMP EIS without conducting site-specific analyses.

As a result of this decision, the judge ordered the Forest Service on August 16, 2005, to: (1) withdraw the 1990 OHV Plan; (2) issue a Final EIS (FEIS) and ROD on a new ENF OHV Plan by December 31, 2007¹, to be consistent with regional guidelines for OHV route designation, with new national OHV regulations, and with the requirements of the NEPA and NFMA; and (3) restrict private-party use of wheeled motor vehicles across the ENF (except in the Rock Creek Recreational Trails area) to NFS roads open for public use, and NFS trails managed for OHV use and open for public use, until new management direction is adopted (Case Civ-S-02-0325 LKK/JFM). To implement this order, the Forest Service: (1) rescinded the 1990 OHV Plan on June 6, 2005; (2) issued an interim forest order on August 25, 2005, to restrict private-party use of wheeled motor vehicles to NFS roads and trails on the Forest, until new management direction is adopted; and (3) began the NEPA process for implementing the Forest Service National Travel Management Regulations (see page 1-4) on October 26, 2005.

Motor vehicle operation on National Forest System roads is subject to both federal and state laws and regulations. NFS roads managed for standard four wheel passenger vehicles (NFS ML-3 to -5 surfaced roads) meet the definition of a 'highway' under the California Vehicle Code (CVC) Division 16.5 and are subject to the Federal Highway Safety Act. The CVC prohibits non-highway-legal vehicles and unlicensed drivers from using roads that meet the definition of a highway. Existing NFS roads managed for standard four wheel passenger vehicles (NFS ML-3 to -5 surfaced roads) are already regulated by state and federal law. Therefore, motorized use of such roads will not be reconsidered in this proposal.

NFS roads maintained for high clearance vehicles (NFS ML-2) are generally not suitable for standard four wheel passenger vehicles. As such, they are not subject to the Federal Highway Safety Act, and are considered roughly graded roads for purposes of the CVC Division 16.5, and are currently open to all vehicle classes including off highway vehicles (OHVs).

Based on the ENF Forest Supervisor's interpretation of the February 15, 2005, Court Order, this proposal will reconsider whether motorized use should be allowed to continue on NFS roads maintained for high clearance vehicles (NFS ML-2) and NFS trails managed for OHV use and open for public use. The proposal will also consider changes to season of use and vehicle class on existing NFS roads and trails, and the addition of unauthorized routes to the ENF NFS.

Forest Service National Travel Management Regulations: The issue of increasing motor vehicle use on public lands, and their associated resource impact concerns and public conflicts, has existed since the issuance of Executive Order 11644 in 1972, which stated that: "The widespread use of such vehicles on the public lands – often for legitimate purposes but also in

¹ This date for completion was extended until April 2, 2008, in order to allow additional time for public comment and response to public comment.

frequent conflict with wise land and resource management practices, environmental values, and other types of recreation activity – has demonstrated the need for a unified Federal policy toward the use of such vehicles on the public lands.” Former Chief of the Forest Service, Dale Bosworth, also recognized unmanaged recreation, especially OHV use, as one of “Four Key Threats Facing the Nation’s Forest and Grasslands” (USDA FS, June 2004). This recognition, as well as past intentions to better manage motor vehicle use on public land, led to the development of a Memorandum of Intent (MOI) between the USDA Forest Service and the Off-Highway Motor Vehicle Recreation Commission, and the Division of Off-Highway Motor Vehicle Recreation of the Department of Parks and Recreation for the State of California that was signed on August 11, 2003. This was followed by the National Travel Management Rule that was released by the USDA Forest Service on November 9, 2005 (Federal Register, Vol. 70, pgs. 68264-68291).

The new travel management rule revised regulations at 36 CFR parts 212, 251, 261, and 295 to require designation of roads, trails, and areas for motor vehicle use on all national forests. The final rule provides a consistent framework for local units to designate roads, trails, and areas open to motor vehicle use, by class of vehicle, and if appropriate, by time of year. The rule also allows the responsible official to include in the designation limited use of motor vehicles within a specified distance of certain designated routes, and if appropriate, within specified time periods, solely for the purposes of dispersed camping or retrieval of downed big game animals by an individual who has legally taken the animal. The rule removed the need for developing an OHV plan, and instead directed that designated routes will be identified on a Motor Vehicle Use Map (MVUM) and prohibits use of motor vehicles inconsistent with those designations upon completion and public release of the MVUM. The final rule provides better opportunities for sustainable motorized recreation, better protection of the environment, increased public safety, and ample high-quality access to NFS lands.

Existing Situation:

In addition to the efforts described above, recommendations and decisions regarding management of the Forest road and trail system have been made in vegetation management projects, watershed restoration projects, fuel treatment projects; trail construction projects, trail management decisions, landscape and watershed analyses and the Roads Analysis Process (RAP). These previous efforts have resulted in 154 miles of NFS ML-2 roads being closed. An additional 4.5 miles of roads have been decommissioned over the last five years. Over the last five years, 354 miles of ML-2 roads have been maintained or reconstructed and 1 mile of new ML-2 road has been constructed. All of these previous decisions on road construction, road reconstruction, road closures, and road decommissioning have undergone extensive public involvement through the NEPA process. The Travel Management regulations provide that these decisions may be incorporated and do not require that these past decisions be reconsidered (36 CFR 212.50(b)). Re-opening these previous decisions at this time would unduly burden the current Travel Management Project and delay its objective of reducing environmental impacts associated with cross country travel and use of some of the unauthorized routes. Therefore, these previous decisions will be incorporated into all alternatives.

There are 722 miles of NFS ML-1 roads on the ENF. These roads were designed to be intermittent service roads and were intended to be closed to public wheeled motor vehicle use, although a majority of them are no longer physically closed. 240 miles of the existing ML-1 roads are physically closed at this time.

As a result of these previous decisions, there are currently 2,342 miles of NFS roads and NFS motorized trails on NFS lands that have motorized use². There are an additional 526 miles of

² The total miles includes ML-2 roads through ML-5 roads currently open, plus ML-1 roads not physically closed and NFS trails managed for motorized use. The total does not include miles of NFS routes open

unauthorized routes where use is continuing to occur. These unauthorized routes were generally developed without environmental analysis or public involvement, and do not have the same status as NFS roads and NFS trails included in the Forest transportation system. Some of the unauthorized routes are well-sited, provide excellent opportunities for outdoor recreation by motorized and non-motorized users, and would enhance the National Forest system of designated roads and trails. Other unauthorized routes are poorly located and cause unacceptable impacts.

Purpose and Need for Action

This Travel Management project is intended to stop resource damage from use of inappropriate routes and cross country motor vehicle travel and redirect this use to sustainable NFS roads and trails.

The following needs have been identified for this proposal:

1. There is a need for regulation of unmanaged public wheeled motor vehicle travel. Currently, public wheeled motor vehicle travel is not prohibited off designated routes. In their enjoyment of the National Forest, motor vehicle users have created numerous unauthorized routes. The number of such routes continues to grow each year, with many of these routes having environmental impacts and safety concerns that have not been addressed. The Travel Management Rule, 36 CFR Part 212, provides policy for ending this trend of unauthorized route proliferation and managing the Forest transportation system in a sustainable manner through designation of motorized NFS roads, trails, and areas, and the prohibition of cross-country travel. Furthermore, unmanaged public wheeled motor vehicle travel has caused increased conflict between motorized and non-motorized uses; complaints about noise, trespass, dust, and vandalism from adjacent landowners; and areas of degraded soil, water, vegetation, wildlife, and cultural resources.
2. There is a need for compliance with the United States District Court for the Eastern District of California final order, as modified (Case Civ-S-02-0325 Lkk/Jfm, August 16, 2005, Senior Judge Lawrence K. Karlton)
 - Issue a FEIS and ROD by April 2, 2008, to be consistent with regional guidelines for OHV route designation, with new national OHV regulations, and with requirements of the NEPA and NFMA. The National Travel Management Rule of November 9, 2005 modified national direction, in that a OHV plan is not needed for route designation, but rather that motorized routes and associated restrictions are designated on the Motor Vehicle Use Map (MVUM).
 - Reconsider whether motorized use should be allowed to continue on NFS roads maintained for high clearance vehicles (NFS ML-2) and NFS trails managed for OHV use and open for public use.
3. There is a need for limited changes to the ENF NFS roads and trails to:
 - Provide wheeled motorized access to existing dispersed recreation opportunities (camping, hunting, fishing, hiking, horseback riding, etc.) There is a need to maintain motor vehicle access to dispersed recreation activities that are known to have been historically accessed by motor vehicles. A substantial portion of known dispersed recreation activities (camping, fishing, hiking, horseback riding, hunting, etc.) are not located directly adjacent to an existing NFS road or NFS motorized

within the Rock Creek Recreational Trails area, nor does it include State, County, or private roads on NFS lands within the ENF.

trail. Some dispersed recreation activities are dependent on foot or horseback access, and some are dependent on motor vehicle access. Those activities accessed by motor vehicles consist of short spurs that have been created and maintained primarily by the passage of motorized vehicles. Many such ‘user-created’ routes are not currently part of the National Forest Transportation System (NFTS). Without adding them to the NFTS, the regulatory changes noted above would make continued use of such routes illegal.

- Provide a diversity of wheeled motorized recreation opportunities (4WD Vehicles, motorcycles, ATVs, passenger vehicles, etc.) It is Forest Service policy to provide a diversity of road and trail opportunities for experiencing a variety of environments and modes of travel consistent with the National Forest recreation role and land capability (FSM 2353.03(2)). Without additions to the NFTS, implementation of the Travel Management Rule will severely limit motorized recreation opportunities relative to current levels.

This action must comply with the ENF LRMP, as amended, and the National Travel Management Rule of 2005. In meeting these needs, any changes to the NFS roads and trails should also achieve the following purposes:

- Prohibit motor vehicle travel off designated roads and trails;
- Provide motorized routes that create loops and thru routes to enhance public wheeled motor vehicle recreational opportunities.
- Consider effects on NFS natural and cultural resources; public safety; provision of recreation opportunities; access needs; conflicts among uses of NFS lands; the need for maintenance and administration of roads, trails, and areas that would arise if the uses under consideration are designated; and the availability of resources for maintenance and administration;
- Minimize damage to soil, watershed, vegetation, and other forest resources;
- Minimize harassment of wildlife and significant disruption of wildlife habitats;
- Minimize conflicts between public motor vehicle use and existing or proposed recreational uses of NFS lands or neighboring federal lands;
- Minimize conflicts among different classes of motor vehicle uses of NFS lands or neighboring federal lands;
- Consider compatibility of motor vehicle use with existing conditions in populated areas, taking into account sound, emissions, and other factors;
- Consider the speed, volume, composition, and distribution of traffic on roads;
- Consider compatibility of vehicle class with road geometry and road surfacing;
- Recognize valid existing rights of access and the rights of use of NFS roads and trails under 36 CFR part 212.6(b); and
- Do not allow use on NFS roads, trails, and areas on NFS lands in wilderness areas or primitive areas for motor vehicle use, unless, in the case of wilderness areas, motor vehicle use is authorized by applicable enabling legislation for those areas.

Proposed Action

In initiating this travel management project, the Forest Supervisor proposed to allow public wheeled motor vehicle use on NFS roads and trails as outlined in the NOI published in the Federal Register on October 26, 2005. This proposed action was designed using ML-3 native surface roads, ML-2 roads, ML-1 roads, and NFS motorized trails as a base, with a small number of historical unauthorized routes being added to create connections to NFS routes or access to dispersed camping sites.

Several changes were made to this proposed action since release of the NOI as a result of further analysis and public input. The public was informed of these changes prior to the release of the DEIS, and any additional public comments as a result of this new information were added to the scoping record and screened by the route designation Interdisciplinary Team (IDT).

The proposed action is represented by Alternative C which is described in more detail in Chapter 2. Alternative C focuses on balancing maximum public wheeled motor vehicle access with implementation of the ENF LRMP. This Alternative proposes the following designations, while prohibiting cross-country travel off of designated routes, as directed in the 1989 ENF LRMP, as amended, as well as the National Travel Management Rule of 2005.

Mileage

Alternative C offers the following miles of roads and trails for public wheeled motor vehicle use. A break-out of the following summary can be found in Appendix F.

Table 1-1. Alternative C mileage summary

| Proposed Classification | Miles |
|---|--------------|
| NFS ML-1 Road: Intermittent Road Not Physically Closed | 0 |
| NFS ML-2 Road: Open to All Highway and Non-Highway Legal Vehicles | 580 |
| NFS ML-2 Road: Open to Highway Legal Vehicles Only | 488 |
| NFS 4WD Trail: Open to High Clearance Vehicles | 57 |
| NFS Trail: Open to ATVs and Motorcycles Only | 31 |
| NFS Trail: Open to Motorcycles Only | 89 |
| Acres allowing Cross Country Travel | 0 |
| TOTAL Miles | 1,245 |
| | |
| NFS ML-3+ Road: Existing Mixed Use | 5 |
| NFS ML-3+ Road: Open to Highway Legal Vehicles Only | 480 |
| Total Available for Public Motorized Use | 1,730 |
| | |
| NFS ML -1 Road: Intermittent Road - Closed to Motor Vehicles | 581 |

Seasonal Closure

A seasonal closure would be instituted on all native surface roads and trails from November 1 to April 30, unless annual conditions require earlier and/or later closures.

Over-the-Snow Travel (OST)

Public wheeled OHV OST would be allowed on ML-3, -4, and -5 surfaced roads only with 12 inches of snow or more and no ground contact. Public wheeled highway-licensed motor vehicle OST would be allowed on ML-3, -4, and -5 surfaced roads only, regardless of snow depth.

Parking/Dispersed Camping

A designation for a road or trail includes all terminal facilities, trailheads, parking lots, and turnouts associated with the designated road or trail.

The designation also includes parking a motor vehicle so that all parts of the vehicle are within one vehicle length from the edge of the route surface when it is safe to do so and without causing damage to NFS resources or facilities (FSM 7716.1 (Proposed)). This also applies to dispersed camping with the use of a motor vehicle. There are no restrictions on general dispersed camping by non-motorized means.

Prohibition of Cross-Country Travel

In keeping with the Travel Management Rule, ENF LRMP Standard and Guideline for Management Practice 27, and the standard and guideline for “Wheeled Vehicles” (SNFPA ROD, January 2004, S&G #69, p. 59), motor vehicle travel off of designated roads, trails, and limited OHV use areas would be prohibited.

Applicable ENF LRMP Standards and Guidelines as amended by the SNFPA Standards and Guidelines, January 2004

Numerous Forest Plan standards and guidelines (S&G) apply to the designation and use of routes for motor vehicles on the ENF. However, the following S&Gs are the primary standards and guidelines related to travel management.

- Sierra Nevada Forest Plan Amendment (SNFPA) Record of Decision (ROD), S&G #69, p.59): Prohibit wheeled vehicle travel off of designated roads, trails, and limited OHV use areas.
- Forest-wide S&G – Management Practice 28 – Closed OHV Management (ENF LRMP, p. 4-84): The Forest is closed to OHV use except in areas designated open (with a management plan) and on designated roads and trails.
- Forest-wide S&G – Management Practice 27 – Restricted OHV Management (ENF LRMP, p. 4-83): OHV use will be restricted to designated roads and trails in roaded natural and semi-primitive motorized areas.
- Forest-wide S&G – Management Practice 27 – Restricted OHV Management (ENF LRMP, p. 4-83): Maintenance Level 2 Forest roads will generally be designated as open to green sticker OHV use unless adverse environmental impacts or conflicts with other uses are identified.
- Forest-wide S&G – Management Practice 27 – Restricted OHV Management (ENF LRMP, p. 4-83): Selected Maintenance Level 1 Forest roads (currently blocked) may be designated for OHV use if such use is not found to be in conflict with the original reason for closing the road.
- Management Practice 27 – Restrict OHV Management (ENF LRMP, p. 4-83): Selected Maintenance Level 3, 4, and 5 Forest roads may be considered for mixed use designation

where their use would enhance opportunities for OHVs and would not conflict with other uses or resource considerations.

- Forest-wide S&G – Management Practice 27 – Restricted OHV Management (ENF LRMP, p. 4-84): Roads and trails for which required rights-of-way (ROW) do not exist and those located predominantly on private land will not be designated for OHV uses, however, a list will be developed of priority ROW acquisitions needed to complete the desired road and trail system.
- Forest-wide S&G – Management Practice 27 – Restricted OHV Management (ENF LRMP, p. 4-84): OHV use will generally be excluded within ½ mile of privately owned property with existing residences. It is recognized that this will not be feasible in all cases because of intermingled private lands and physical characteristics of the land. Therefore, the SpreD Calculation will be used to establish appropriate distances from existing residences.
- Forest-wide S&G – Management Practice 27 – Restricted OHV Management (ENF LRMP, p. 4-84): In each deer herd winter range and in fawning areas, motorized trails will be limited to an average of 2.5 miles per square mile. Open roads will be limited to an average of 2.5 miles per square mile.
- Forest-wide S&G – Management Practice 27 – Restricted OHV Management (ENF LRMP, p. 4-84): A closure will be instituted for motorized use, during wet weather periods to reduce damage to native surface trails. The plan will allow for trails to be open when soil conditions permit.
- Forest-wide S&G – Management Practice 103 – Transportation Management – Roads Regulated (ENF LRMP, p. 4-107): On local roads, regulate or restrict road use in such areas as critical deer winter range and fawning areas to meet an average open road density of approximately 2.5 miles per square mile.

Decision to be made

Given the need for action and associated purposes, the responsible official will decide whether to adopt and implement the proposed action, an alternative to the proposed action, or take no action. The proposed action is consistent with the ENF LRMP as amended by the SNFPA, January 2004.

Public Involvement

The Notice of Intent (NOI) was published in the Federal Register on October 26, 2005. The NOI asked for public comment on the proposal from October 26, 2005, to December 1, 2005. A brief description of the project was included in the ENF Schedule of Proposed Actions (SOPA) in July 2005. On October 25, 2005, approximately 300 letters were mailed to adjacent property owners; potentially affected business; federal, state, and local agencies; special interest groups; and other interested parties. The letters contained notice that the Forest Service was proposing to prohibit motorized cross country travel and restrict motorized travel to designated roads and trails open to public wheeled motor vehicle use. Individuals and groups were requested to submit information and to identify issues they might have. The mailing list is included in the project record.

On December 14, 2005, a public meeting was held in Placerville, CA, to explain how the public comments were used to develop significant issues that would eventually be used to develop alternatives to the agency proposed action, to present a draft list of significant issues, and to

solicit public input on the draft list to ensure that the list adequately captured public concern. Approximately 110 people attended this meeting.

On June 6 and 8, public open houses were held in Placerville and Jackson, CA, respectively, to present a preliminary range of alternatives to the agency proposed action, explain how they were developed, and answer questions that the public had about their development. After the presentation, the public was able to view the preliminary alternative maps and to discuss their concerns with various Forest staff members.

In addition to these efforts, several communication methods have been used continuously throughout the travel management process to disseminate information, address public concerns and questions, and solicit public input. Since August 16, 2005, the interdisciplinary team leader has held noontime bi-weekly conference call briefings with the public to update the public on project status and other information, and to answer at least one question per conference call attendee from the public. The Forest also has a project email address and a project hotline that the public can use to express concerns and ask questions, and a project webpage that posts maps, information, and other project documents. Numerous news releases, project newsletters, and other information have been sent to the project email list and mailing list throughout the process to provide information, clarify public questions, and help the public participate more effectively.

For a complete overview of the public involvement efforts for this project, see the Eldorado National Forest website: <http://www.fs.fed.us/r5/eldorado/projects/route/index.shtml>.

The Notice of Availability of the Draft Environmental Impact Statement (DEIS) was published in the Federal Register on July 20, 2007 and copies of the DEIS were mailed to over 510 individuals, organizations, tribes, and government agencies. The comment period was extended an additional 45 days based on request from the public for additional time to review the DEIS. The comment period ended on October 22, 2007. Over 6,000 individuals responded during the comment period. Appendix C contains the summary of comments and responses to comments. Six public meetings were held between July 24 and August 14, 2007 in Placerville, Jackson, Markleeville, Folsom and Concord California to discuss the DEIS. A total of over 900 individuals attended the various public meetings. In addition to the public meetings, the ENF website included a section devoted to information about the DEIS, links to the DEIS, and instructions on how to comment on the DEIS. An information handout was made available to the public which also described the purpose of the project, the availability of the DEIS, and information on how to comment on the DEIS.

Issues

The Forest Service separated the issues brought forward by the public into three groups: Significant Issues, Non-significant Issues, and Non-issues. The Council on Environmental Quality (CEQ) NEPA regulations explain this delineation in Sec. 1501.7, "...identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental reviews (Sec. 1506.3)..." A list of all issues collected during scoping and their classification into one of the three categories described can be found in the project record.

Significant issues are points of disagreement, debate, or dispute about the proposed action based on undesirable effects identified through scoping and are used to formulate alternatives to the proposed action, prescribe mitigation, or monitoring measures. They may also be used for analyzing environmental effects. Non-significant issues are defined as those issues beyond the scope of the proposed action; irrelevant to the decision to be made; already decided by law, regulation, or policy; and/or conjectural in nature or not supported by scientific evidence. Non-issues are general comments or concerns received through scoping that are not related to the proposed action's effects, and, therefore, cannot be resolved through an alternative or mitigation.

Although Non-significant Issues and Non-issues were not used to formulate alternatives nor prescribe mitigation or monitoring measures, they were reviewed by the route designation IDT.

The following issues were determined to be significant and within the scope of the project decision as described in 40 CFR 1502.2. The elements within these significant issues further define the scope of the significant issues and ways to compare them across alternatives and measure their effects. Following the list of significant issues and their associated elements, specific indicator measures are identified in Table 1-2 below.

Significant Issue Statement 1: A reduction in motorized routes, changes in class of vehicles allowed, prohibition on cross-country travel, and seasonal closure during wet weather periods, will adversely effect forest visitors and adjacent landowners and will:

- adversely affect visitors with disabilities by limiting easy access to general areas and dispersed camping sites;
- adversely affect riders crossing forest boundaries where route designations are inconsistent on either forest;
- displace the use to private lands and increase impacts to private property;
- limit camping opportunities;
- limit OHV recreation opportunities and public access; limit destination travel and driving for pleasure; and limit access for fishing, hunting, wildlife photography, hiking, biking, equestrian use, camping, and other recreational activities and to the Plasses Resort Cabin;
- limit parking for recreational purposes; and
- unreasonably restricts motor vehicle recreation opportunities.

Significant Issue Statement 2: The proposed level of motorized use will adversely affect forest resources, adjacent landowners, and non-motorized recreation opportunities and will:

- continue or increase route proliferation;
- be difficult to enforce;
- impact and displace non-motorized recreation use, create user conflicts, and impact quiet recreation experiences;
- continue to adversely impact private property owners through increased trespass, vandalism, dust, noise, resource damage, and danger to human life from motor vehicle traffic;
- impact forest resources;
- increase wildland fire risks; and
- impact grazing allotment capabilities and livestock.

During the 90-day comment period members of the public expressed a variety of concerns. The following discussion documents some of the concerns expressed by the public and the responses to those concerns. For a detailed list of comments, commenters, and responses see Appendix C.

Many members of the public made it clear that access to the Forest is important.

- “Closing access to OHV areas means many people will never see anything past the side of a paved road.”
- “Please don’t close the roads to OHV’s. We only have a few places left to ride and we really value this forest as an off road haven.”
- “I have been hunting and fishing in these mountains all my life and this program would severely limit my ability to enjoy our forest.”

Other members of the public made it clear that limiting access to motor vehicles was important for protection of sensitive resources and the quality of “quiet” recreation opportunities.

- “I feel ... that motorized vehicles ... disrupt and displace other non-motorized users and wildlife to a great degree.”
- “I am an avid bicyclist and hiker/back-packer and I feel very strongly about maintaining a quiet, clean atmosphere while I am enjoying the outdoors.”
- “I don’t support motor vehicle routes in the proposed Caples Wilderness area, or other areas where roads don’t exist.”

Response:

Based these and other similar comments, Alternative B was modified to provide greater access for all classes of vehicles, comply with LRMP Standards and Guidelines, display rationale for eliminating use on NFS ML-2 roads, minimize impacts to meadows and certain sensitive wildlife species, and reduce impacts to stream and riparian habitat. This alternative is referred to as Modified B in the remainder of the FEIS.

Other comments that were received and taken into consideration when modifying Alternative B include:

- Assure selected alternative minimizes impacts as called for in EO 11644
- Consider impacts from motor vehicle use on quiet recreation opportunities
- Consider impacts to wildlife, water quality, air quality, and other resources
- Consider potential impacts to roadless areas or loss of roadless areas
- Consider using volunteers to accomplish route maintenance and public information/education
- Desire to continue to travel on unauthorized routes previously used
- Will the Forest Service be able to implement the decision; is there funding for implementation, road and trail maintenance, enforcement, etc.
- Seasonal closure is overly restrictive
- Seasonal closure is not protective enough
- Parking limits are not safe or reasonable

Additional discussion on the reason for modifying Alternative B is provided in Chapter 2 under the description of Modified B.

- Consider travel management options other than closure.

Response:

This project is designed to establish a “backbone system” of designated routes that complies with the Forest’s Standards and Guidelines. It is the intent of the Forest Supervisor to maintain the system of roads and trails open for use so that they can continue to be used. However, it is recognized that this travel management system is dynamic and allows for a yearly evaluation. Based on trail monitoring, public input, and budget constraints, new routes may be added to the system, existing routes may be removed from the system or the system may remain unchanged.

As described in the “Implementation Strategy” section of Chapter 2 of the FEIS, the Forest intends to work with the OHV community and others in various ways to maintain routes and to provide quality recreation opportunities. The Forest will continue to work with volunteers on various trail maintenance, signing, and information-sharing projects, and will work with partners to pursue grants and other funding sources to implement needed projects.

- Consider or analyze for new routes to meet growing demand for access.

Response:

In order to keep the scope of the project manageable and to be able to comply with the Court mandated timeline, the Forest Supervisor at the start of the project, John Berry, decided that construction of new routes would be outside the scope of this project. The National Travel Management regulations at 36 CFR 212.54 provide for revision of designations as needed to meet changing conditions, including the potential to add new routes following public involvement and site specific environmental analysis.

- Projected increased use in the future and reduced travel opportunities may increase impacts to the remaining routes.

Response:

We cannot guarantee that impacts to trails will not increase as a result of a reduction in travel opportunities. However, reducing the total number of miles of routes does not necessarily lead to increased resource damage. Trails and roads in sensitive areas are more likely to sustain damage, even at lower levels of use, whereas trails and roads that are located in stable areas or otherwise avoid sensitive areas (archaeological sites, sensitive plant locations, etc.) can accommodate high levels of use without leading to resource damage. It is not just a matter of concentration of use, but also the location of routes, for both providing a good recreation opportunity and avoiding resource impacts.

This project is designed to establish a “backbone system” of designated routes that complies with the Forest’s Standards and Guidelines. It is the intent of the Forest Supervisor to maintain the system of roads and trails open for use so that they can continue to be used. However, it is recognized that this travel management system is dynamic and allows for a yearly evaluation.

The Forest Service will monitor route conditions and will continue to perform necessary maintenance. The Forest Service intends to expand working with volunteers to complete needed route maintenance to avoid damage to routes. As a part of route designation, the Forest Service will release a motor vehicle use map (MVUM) yearly. Based on trail monitoring, public input, and budget constraints, new routes may be added to the system, existing routes may be removed from the system or the system may remain unchanged.

- Visitors with disabilities will be affected by a reduction in available routes.

Response:

The Americans with Disabilities Act (ADA) was considered in the development of the alternatives and throughout the analysis. A wheelchair that is designed for use by a mobility impaired person for locomotion and is suitable for use in an indoor pedestrian area is permitted anywhere foot travel is permitted. However, restrictions on motor vehicles, including 4X4s, ATVs and motorcycles, apply to all people, including those with disabilities.

This project is designed to provide reasonable access for public wheeled motor vehicles and would apply to all Forest visitors. This access will be available to all visitors. As stated in the preamble to the national Travel Management regulations, there is no requirement to allow people with disabilities to use motor vehicles on road or trails otherwise closed to motor vehicles since such an exemption could fundamentally change the travel management program (Fed Reg V.70, No. 216, p 68285).

In addition to those individuals with disabilities as defined in the ADA, there are many forest visitors with physical limitations that restrict their ability to access the Forest other than by motorized means. The effects analysis recognizes this fact and describes the impacts in relation to the reduction in routes leading to dispersed recreation sites. The effects to these individuals will depend in part on the activities those individuals participate in and their mode of transportation.

- Eliminating use on routes through private land where there is no public right-of-way will eliminate the opportunity for the public to exercise prescriptive rights.

Response:

Prescriptive rights refer to public rights acquired over private lands through use, without the consent of the property owner. Generally federal agencies, including the Forest Service, do not pursue prescriptive rights but rather work with private landowners to obtain a right-of-way or easement, or in unique circumstances, exercise eminent domain. The Forest has worked with private landowners to obtain easements or rights of way across private land, and will continue to do so, within the limits of available funding and resources.

- Dispersed camping is unduly limited.

Response:

Dispersed camping is not part of this decision. Limiting vehicles to one vehicle length from the edge of the route provides a guideline for differentiating between parking on the system and driving cross-country. The distance proposed in this analysis is the distance currently proposed nationally by the Forest Service. Following the release of the FEIS and Record of Decision, analysis for designating public motor vehicle use of dispersed camping areas will be conducted.

- Ability to fight fires will be reduced if roads are not kept open to vehicle travel. Eliminating routes reduces the ability for routes to serve as fuelbreaks.

Response:

Administrative and emergency use of roads or trails is outside of the scope of this analysis. The decision to be made is whether to allow public wheeled motor vehicle use. The need for roads or trails for fighting fires or other administrative or emergency purposes will be considered in any site specific decisions to physically obliterate or decommission roads or trails. This need is commonly a part of fuels reduction projects and vegetation management projects. Annual road maintenance needs also consider the

need to provide for administrative access for fire fighting and other purposes. Fire fighting staffing levels and the location of fire fighting resources are based, in part, on consideration of the response time to potential fires. This analysis includes consideration of the main transportation system on the Forest. Additional information is available in Appendix C, Response to Public Comments.